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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   )  
10   )      CASE NO. CR06-036-JCC  
11         Plaintiff,                                    )  
12         v.    )  
13         FREDERICK SIMMONS,                          )  
14   )  
15   )  
16   )  
17         Defendant.                                    )  
18   )

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19                   I conducted an initial hearing on supervised release revocation in this case on July 6,  
20                   2010. The United States was represented by AUSA Jeff Backhus and the defendant by  
21                   Jennifer Wellman, Assistant Federal Public Defender, substituting on this date for Howard  
22                   Ratner. The proceedings were digitally recorded.

19                   Defendant had been sentenced on or about July 14, 2006 by the Honorable John C.  
20                   Coughenour on a charge of Accessory After the Fact, on allegations that he drove the getaway  
21                   vehicle after a bank robbery. The Court sentenced him to 18 months in custody, followed by  
22                   three years of supervised release.

23                   The conditions of supervised release included the standard conditions plus conditions

01 relating to substance abuse, restitution, financial disclosure, mental health, search, no  
02 firearms, limitation to one checking account, no new credit without probation office approval;  
03 and if involved in any new business or enterprise, make all documents available to probation  
04 office.

05 On May 19, 2007 the court ordered him to participate in a Residential Reentry Center  
06 for up to 120 days. He began his term of supervised release on May 20, 2007.

07 In an application dated March 29, 2010, U.S. Probation Officer Mark J. Chance  
08 alleged the following violations of the conditions of probation:

09 1. Failing to report for urinalysis testing as directed on February 24, March 1 and  
10 March 8, 2010;

11 2. Using cocaine on or before March 17, 2010;

12 3. Using marijuana on or before March 17, 2010; and

13 4. Failing to pay \$100 monthly restitution since September of 2008.

14 Defendant was advised in full as to those charges and as to his constitutional rights.  
15 He admitted each of the four alleged violations, and waived any evidentiary hearing as to  
16 whether they occurred.

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I therefore recommend the Court find defendant violated his supervised release in the four respects alleged, and conduct a disposition hearing. That hearing has been scheduled before Judge Coughenour on July 23, 2010 at 9:00 a.m. Pending a final determination by the Court, defendant has been ordered detained.

DATED this 6th day of July, 2010.

s/ John L. Weinberg  
United States Magistrate Judge

cc: District Judge: Honorable John C. Coughenour  
AUSA: Jeff Backhus  
Defendant's attorneys: Jennifer Wellman, Howard Ratner  
Probation officer: Angela M. McGlynn